

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2016 MAR 9 AM 9 36

FREDDIE EUGENE McCOY.

Plaintiff,

vs.

STATE OF WYOMING, et al.,

Defendants.

STEPHAN HARRIS, CLERK
CHEYENNE

Case No: 15-CV-103-F

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE


This matter is before the Court on its own notice that Plaintiff has failed to provide the Court with proper proof of service of his Complaint on the State Defendants. As the Court has previously explained to Plaintiff, providing proof that he sent the notice of request for waiver to Defendants is not sufficient for proof of service of process. Rather, the Court requires the filing for the signed waivers from Defendants. Additionally, Plaintiff first attempted to serve Defendants by certified mail, which was not proper service.

The Court has provided Plaintiff with three extensions of time to allow him to properly serve Defendants in this case. Plaintiff has failed to do so. In its January 13, 2016 Order Denying Motion for Reconsideration, the Court warned Plaintiff that failure to properly serve Defendants by February 29, 2016 would result in the Court dismissing

Plaintiff's case under Fed. R. Civ. P. 4(m).¹ In this case it has been more than eight (8) months since Plaintiff filed his Complaint and during that time he has failed to obtain service on Defendants. For all these reasons the Court finds that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to serve Defendants.

IT IS ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE for failure to timely serve Defendants.

Dated this 9 day of March, 2016.



NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE

¹ The applicable Fed. R. Civ. P. Rule 4(m) at the time of Plaintiff's Complaint provided 120 days for service. Effective December 1, 2015, Fed. R. Civ. P. 4(m) provides only 90 days for service.